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PATENT APPLICATION

OCT 31 2005

ATTORNEY DOCKET NO. 200311281-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Staelin et al.

Confirmation No.: 1031

Application No.: 10/698,667

Examiner: Thinh R. Nguyen

Filing Date: 10/31/2005

Group Art Unit: 2861

Title: INK THICKNESS CONSISTENCY IN DIGITAL PRINTING PRESSES

Mail Stop
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee
() Other: _____ (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. ~~A duplicate copy of this sheet is enclosed.~~

Respectfully submitted,

(X) I hereby certify that this paper is being transmitted
to the Patent and Trademark Office facsimile
number (971) 273-8300 on 10/31/2005
Number of pages: 4

Typed Name: Hugh P. Gortler

Signature: 

Staelin et al.

By 

Hugh P. Gortler

Attorney/Agent for Applicant(s)
Reg. No. 33,890

Date: Oct. 31, 2005

Rev 12/04 (TrnAndFax)

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- Attach as First Page to Transmitted Papers -

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PATENT
PDNO 200311281-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Confirmation No. 1031
Staelin et al. :
Serial No. 10/698,667 : Group Art Unit: 2861
Filed: October 31, 2003 : Examiner Tinh R. Nguyen

For: **INK THICKNESS CONSISTENCY IN DIGITAL PRINTING
PRESSES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION AND TRAVERSE

This election and traverse is being filed in response to the office action dated September 30, 2005. The office action requires restriction between claims 1-17 drawn to a method and apparatus for estimating an ink thickness control parameter (Group I), claims 18-19 drawn to a method of generating an estimation model of developer voltage (Group II), and claims 20-27 drawn to an article for generating an estimation model of developer voltage (Group III). The office action alleges that these different groups constitute different species.

Claims 1-17 (the Group I claims) are provisionally elected with traverse.

The restriction requirement is traversed because the office action has not established a prima facie case for restriction. MPEP 809.02(a) states that the examiner must "explain why the inventions are independent or distinct" (see para. 8.01, Examiner Note).

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The office action simply alleges that the three different groups constitute different species, and that the Group I claims are generic. No explanation is provided.

In fact, the office action provides a good argument against restriction: it states that the Group I claims are generic to the Group II and Group III claims. Therefore, the Group II claims are not independent or distinct from the Group I claims, and the Group III claims are not independent or distinct from the Group I claims.

The restriction of the species is traversed for the additional reason that examining the Group II and Group III claims will not place a serious burden on the examiner. A search of the Group I claims will cover the Group II and Group III claims. All the examiner has to do is apply the search results to claims 18-27. Examination of claims 18-27 might add a burden on the examiner, but the burden will not be serious.

A petition for a one month extension is not required. The response period expires on October 31, since October 30 fell on a Sunday.

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The examiner is respectfully requested to withdraw the restriction of the species and proceed to examine claims 1-27.

Respectfully submitted,

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on October 31, 2005.

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